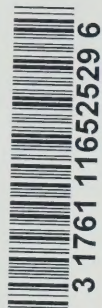


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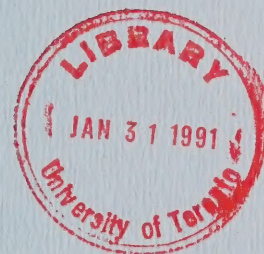


Ontario

# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 281

DATE: Wednesday, January 23, 1991



BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

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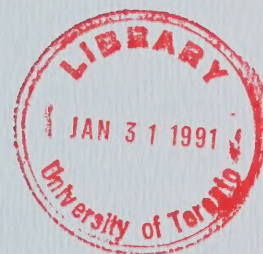
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the  
Honourable Jim Bradley, Minister of the  
Environment, requiring the Environmental  
Assessment Board to hold a hearing with  
respect to the Class Environmental  
Assessment (NO. NR-AA-30) of an undertaking  
by the Ministry of Natural Resources for  
the activity of Timber Management on Crown  
Lands in Ontario.

-----

Hearing held at the offices of the Ontario  
Highway Transport Board, Britannica Building,  
151 Bloor Street West, 10th Floor, Toronto,  
Ontario, on Wednesday, January 23rd, 1991,  
commencing at 9:00 a.m.

-----

VOLUME 281

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member





A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH )	RESOURCES
MS. K. MURPHY )	
MR. B. CAMPBELL )	
MS. J. SEABORN )	MINISTRY OF ENVIRONMENT
MS. B. HARVIE )	
MR. R. TUER, Q.C. )	ONTARIO FOREST INDUSTRY
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
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MR. J.F. CASTRILLI )	
MS. M. SWENARCHUK )	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
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MR. D. WOOD )	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
	LABOUR





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MR. D. KING		VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. H. GRAHAM		CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY





APPEARANCES: (Cont'd)

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CANADIAN ASSOCIATION OF  
SINGLE INDUSTRY TOWNS

MR. M.O. EDWARDS

FORT FRANCES CHAMBER OF  
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MR. P.D. McCUTCHEON

GEORGE NIXON

MR. C. BRUNETTA

NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>CRANDALL BENSON, Resumed</u>	50324
Re-Direct Examination by Ms. Swenarchuk	50324





1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Good morning. Please be  
3 seated.

4 MR. FREIDIN: Madam Chair, before Ms.  
5 Swenarchuk starts, I think yesterday Exhibit 1660  
6 entitled: Stocking Standards Comparison.

7 MADAM CHAIR: Yes, Mr. Freidin.

8 MR. FREIDIN: There was a problem with  
9 the reference at the bottom to the sources, the exhibit  
10 numbers were wrong on the document which we gave you.

11 MADAM CHAIR: Oh, I see.

12 MR. FREIDIN: So I give you three  
13 replacement documents and they have the right exhibit  
14 numbers on them now. (handed)

15 MADAM CHAIR: All right. And you want  
16 another exhibit number of this, Mr. Freidin?

17 MR. FREIDIN: No, I think just replace  
18 Exhibit 1660 with that.

19 MADAM CHAIR: All right. And then the  
20 source exhibits are now Exhibits 166, 167, 337 and--

21 MR. FREIDIN: MNR Panel 4.

22 MADAM CHAIR: --MNR Panel 4 remains the  
23 same, page 177?.

24 MR. FREIDIN: Yes. Thank you.

25 MR. CASSIDY: Madam Chair, just one other

1 matter upon Ms. Swenarchuk's conclusion of her  
2 re-examination. I wish to address the Board in respect  
3 of a matter which I anticipate would take two minutes.

4 MADAM CHAIR: Thank you, Mr. Cassidy.

5 MS. SWENARCHUK: Which should be as long  
6 as my re-direct, Madam Chair.

7 And I want to inform my colleagues of the  
8 bar in advance that transcripts are not available for  
9 the sections I'm referring to, so I can only rely on my  
10 notes.

11 CRANDALL BENSON, Resumed

12 RE-DIRECT EXAMINATION BY MS. SWENARCHUK:

13 Q. Mr. Benson, during Ms. Seaborn's  
14 cross-examination you had a discussion about planned  
15 and unplanned regeneration and Mr. Martel asked you -  
16 and my notes indicate - the smaller the cut the more  
17 chance of getting the same stand as before, and you  
18 said, it's not a direct relationship, it's a question  
19 of the length of seed dispersal, and something to the  
20 effect, that you're not clear what the relationship is.

21 I wonder if you could explain for the  
22 Board what some of the elements are in that  
23 relationship between cut size and obtaining the same  
24 stand as before?

25 A. Yes. I believe I tried to clarify



1       that the next day when I -- the question had to do  
2       with, would you get more seeds of that species the  
3       smaller the cut.

4                   And I explained and went through the fact  
5       that the closer the distance to the source tree the  
6       more chance there would be of getting seed from that  
7       particular tree; hence, the smaller the cut the better  
8       the chances of getting more seed from the parent trees  
9       in the area.

10                   The idea then is that if you're trying to  
11       get natural regeneration of the same species,  
12       particularly of conifer and spruce, then if the seed  
13       trees are closer to the site you're trying to  
14       regenerate your chances are much better, as long as you  
15       have the site prepared right.

16                   With jack pine it's a matter of ensuring  
17       that you would have more of the cones on the site and  
18       have the site in a condition that will cause those  
19       cones to open. Usually if you have bare soil on which  
20       those cones are resting, they'll open.

21                   Q. Now, at the beginning of Mr.  
22       Freidin's cross-examination he indicated to you that on  
23       each of the MNR Panels 10 to 17 there was at least one  
24       biologist and would you defer to them, to their  
25       evidence on such issues as fish and water quality and

1 wildlife and you replied yes.

2 Now, did you have the opportunity to  
3 review all the evidence of the MNR biologists on those  
4 panels?

5 MADAM CHAIR: Excuse me, Ms. Swenarchuk.  
6 Was Mr. Freidin's question about the panels or was it  
7 about a biologist being on a timber management planning  
8 team?

9 MR. FREIDIN: I think it was on the  
10 panels.

11 MS. SWENARCHUK: There is no reference in  
12 my notes --

13 MADAM CHAIR: Panels as a witness?

14 MR. FREIDIN: As a witness.

15 MADAM CHAIR: All right. That was my  
16 mistake.

17 MR. FREIDIN: Past and future.

18 MS. SWENARCHUK: You referred to Panels  
19 10 to 17.

20 MR. FREIDIN: Yes, I did that in my  
21 preamble..

22 MS. SWENARCHUK: Q. You didn't review  
23 all that evidence, I assume?

24 A. Well, I read all the panels but I  
25 certainly didn't read all the transcripts.

1 Q. And with regard to your evidence then  
2 on some of those issues, would you turn, for example,  
3 please to page 204A of Volume II of your witness  
4 statement.

5 MADAM CHAIR: Which page is that, Ms.  
6 Swenarchuk?

7 MS. SWENARCHUK: 204A.

8 MADAM CHAIR: Thank you.

9 MS. SWENARCHUK: Q. I'm using this, Mr.  
10 Benson, as a representative example of some of your  
11 findings. Similar paragraphs can be seen with regard  
12 to various other management units.

13 In this connection, in the conclusion  
14 section at the bottom of the page you have written:

15 "Water yield and quality were probably  
16 dramatically affected by these large  
17 clearcuts. Cut-overs are too large to  
18 ensure that suitable wildlife habitat  
19 will be created to provide for all  
20 species on a continuing basis in the  
21 unit. Cuts are not designed to optimize  
22 conditions for wildlife species. Both  
23 silvicultural and harvesting of the  
24 populations are probably detrimental to  
25 the site and water quality of the unit."



1 Does that remain your view?

2 A. Yes, that would remain my view, yes.

3 Q. And is it your opinion, regardless of  
4 what MNR witnesses may have testified, that cutting to  
5 lakeshore can have detrimental effects?

6 A. I think it depends upon how the cut  
7 is carried out to the lakeshore and the condition of  
8 the land behind the lakeshore.

9 Under some circumstances I think it could  
10 be possible to cut to the lakeshore but, as a general  
11 rule, I would discourage it.

12 Q. Now, you also had a discussion with  
13 Mrs. Koven and Mr. Martel during Mr. Freidin's  
14 cross-examination with regard to sustainable levels of  
15 harvest, and in that context Mr. Freidin asked you:

16 "Does the simulation that shows cutting  
17 in the 61-80 year age-class necessarily  
18 mean you'll get a plan approval?"

19 That was the focus of his question. Now,  
20 in your witness statement you have identified a number  
21 of management units in which projected harvests of  
22 conifer working groups would occur in the future below  
23 the rotation age.

24 And for the assistance of the Board, I  
25 can run through the units where that's in the

1 conclusion section, it's faster than taking him through  
2 each one.

3 It's true for the Domtar unit,  
4 Matawin/Dog River, Long Lac, White River, Spruce River,  
5 Bright Sands, Wawa Crown Unit, Fort William Crown Unit,  
6 Red Lake Crown Management Unit, Temagami Crown Unit,  
7 and Latchford Crown Unit.

8 Now, were all of these plans approved  
9 plans?

10 A. The Temagami and Latchford I did not  
11 have the final plan, I had the interim plans that  
12 hadn't been approved. The other ones I believe were  
13 approved.

14 Q. And Mr. Freidin asked you a question  
15 about whether harvesting spruce in the 61-80 year  
16 age-class could be acceptable on some units, and you  
17 indicated that:

18 "It could possibly be. That's not what I  
19 was indicating here."

20 Could you clarify for the Board what, in  
21 your view, is the effect of harvesting younger trees on  
22 the volume obtained?

23 A. Well, generally you would be getting  
24 less volume per hectare if you were harvesting the  
25 younger age-classes.

1 MS. SWENARCHUK: Those are my questions,  
2 Madam Chair.

3 MADAM CHAIR: All right. Thank you, Ms.  
4 Swenarchuk.

5 MS. SWENARCHUK: I regret that we didn't  
6 know things would proceed this expeditiously, we could  
7 have started Panel 7 but I simply couldn't arrange it  
8 on this notice.

9 MADAM CHAIR: That's all right. We don't  
10 want anyone to apologize for moving quickly.

11 Thank you very much, Mr. Benson.

12 THE WITNESS: Thank you, Madam Chair.  
13 Could I add one point.

14 It concerns the biologists, and I did  
15 have a biologist on some of the areas, Temagami and  
16 Latchford in particular and also for Domtar, Kiashke  
17 and Spruce River Forest, so I do talk to other people  
18 and try to get their ideas and trying to figure out,  
19 well, what is the best overall way to manage some of  
20 these areas. It's not done completely in isolation.

21 And, in addition, as a forester we are  
22 trained in different areas, so we do have some  
23 knowledge of those areas, certainly not all the  
24 particular details, but we try to understand those  
25 areas and apply them in managing our forests.



1                   Other than that, I would like to thank  
2                   you for the opportunity to come down here and I sort of  
3                   appreciate the perseverance you people have for  
4                   sticking this out. I hope it doesn't go as long as a  
5                   rotation.

6                   MADAM CHAIR: Thank you very much, Mr.  
7                   Benson. The Board very much appreciates the effort you  
8                   made to be with us all these weeks. Thank you very  
9                   much. I'm sure we'll see you again at some point.

10                  THE WITNESS: Thank you.  
11                  ---(witness withdraws)

12                  MADAM CHAIR: Mr. Cassidy?

13                  MR. CASSIDY: Madam Chair, just dealing  
14                  with the matter I informed you of earlier, it relates  
15                  to the interrogatories which we served with respect to  
16                  the upcoming panel, Forests for Tomorrow Panel 6, Mr.  
17                  Maser.

18                  After the scoping session you'll recall  
19                  that I indicated I was going to be providing  
20                  supplementary interrogatories and did so last week, and  
21                  I was informed by Mr. Lindgren this morning that Mr.  
22                  Maser is out of his office and will not be providing  
23                  answers to those supplementary interrogatories in time  
24                  for the cross-examinations next week, which I  
25                  anticipate will be next week and, as a result, I would

1 simply like to inform the Board that that may, and very  
2 likely will, lengthen the length of the  
3 cross-examination time because we'll now have to deal  
4 with those matters in cross-examination and I regret  
5 that, however, it's one of the ways in which the  
6 interrogatory process is designed to work.

7 But in any event, I simply rise to inform  
8 the Board of that possibility.

9 MADAM CHAIR: Thank you, Mr. Cassidy.

10 Ms. Swenarchuk, did we set a date for a  
11 scoping session for Panel 8?

12 MR. LINDGREN: No.

13 MR. FREIDIN: No, we didn't.

14 MR. CASSIDY: No, we set one for the  
15 wildlife, Panel 9.

16 MR. LINDGREN: Right.

17 MADAM CHAIR: Do you have any better idea  
18 now? Do you want to set a date for that? We were  
19 waiting to --

20 MS. SWENARCHUK: No. No, I don't  
21 actually.

22 MADAM CHAIR: Okay.

23 MS. SWENARCHUK: I'm sure we will have  
24 next week.

25 MADAM CHAIR: Fine.

1                   MR. LINDGREN: On the issue of scheduling  
2           Mr. Maser's appearance, when I did speak with him last  
3           night he did confirm that he will be available or can  
4           be available Tuesday, February 5th, if that is  
5           necessary.

6                   And based on the length of  
7           cross-examinations that we heard about in the scoping  
8           session, I don't think it's necessary to sit on the  
9           Friday. That was a possibility, but I'm not sure  
10          that's necessary.

11                  MR. CASSIDY: All I can indicate in  
12          respect of the length of time of our cross-examination,  
13          was at the scoping session I said it would likely be  
14          more than a day.

15                  I can now confirm that in light of the  
16          state of the interrogatory responses and the  
17          developments in that regard, it is extremely likely we  
18          will be more than a day, and I'm not in a position to  
19          say how long simply because our cross-examination will  
20          now be lengthened as a result.

21                  So I would think that it would be wise  
22          for the Board to have in mind sitting on that 5th of  
23          February if that's that day.

24                  MADAM CHAIR: Well, that day is open.  
25          You could just tell Mr. Cosman for the Board, Mr.



1 Cassidy that --

2 MR. CASSIDY: Ms. Cronk.

3 MADAM CHAIR: Ms. Cronk is doing it. All  
4 right. Well, Ms. Cronk has displayed some skill as a  
5 cross-examiner and we're sure she can work within any  
6 time constraints so that we finish with Mr. Maser's  
7 evidence on Tuesday, the February 5th.

8 Is there anything else?

9 (no response)

10 Thank you. And we'll be back on Monday.

11 MR. LINDGREN: January 28th.

12 ---Whereupon the hearing was adjourned at 9:20 a.m., to  
13 be reconvened on Monday, January 28th, 1991,  
14 commencing at 10:00 a.m.

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